

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

CHRISTOPHER LEE JENKINS,

Plaintiff,

No. CIV S-04-2520 LKK JFM P

vs.

ARNOLD SCHWARZENEGGER,

Defendants.

ORDER

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Plaintiff is a state prisoner proceeding pro se with this civil rights action seeking relief under 42 U.S.C. § 1983. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local General Order No. 262.

Judgment was entered on June 22, 2006. On July 10, 2006, plaintiff filed a motion for reconsideration, dated June 28, 2006. Plaintiff alleged he had filed objections to the July 28, 2005 findings and recommendations, but apparently the court had not received them. By order filed July 18, 2006, plaintiff was directed to file a copy of the objections with the court. On August 7, 2006, the court received plaintiff's objections which were dated June 7, 2006.

Good cause appearing, plaintiff's motion for reconsideration will be granted. The judgment will be vacated and the court will consider plaintiff's objections.

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1 On July 28, 2005, the magistrate judge filed findings and recommendations herein
2 which were served on plaintiff and which contained notice to plaintiff that any objections to the
3 findings and recommendations were to be filed within twenty days. Plaintiff has filed objections
4 to the findings and recommendations.

5 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C) and Local Rule 72-
6 304, this court has conducted a de novo review of this case. Having carefully reviewed the entire
7 file, the court finds the findings and recommendations to be supported by the record and by
8 proper analysis.

9 Accordingly, IT IS HEREBY ORDERED that:

- 10 1. Plaintiff's July 10, 2006 motion for reconsideration is granted;
- 11 2. The June 22, 2006 judgment is vacated;
- 12 3. Upon reconsideration, the findings and recommendations filed July 28, 2005,
13 are adopted in full; and
- 14 4. This action is dismissed for failure to a claim upon which relief may be
15 granted.

16 DATED: September 12, 2006.

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19 LAWRENCE K. KARLTON
20 SENIOR JUDGE
21 UNITED STATES DISTRICT COURT
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